

SERVICE DATE – JUNE 23, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-874X

SIERRA NORTHERN RAILWAY–ABANDONMENT EXEMPTION–  
IN YOLO COUNTY, CA

Decided: June 21, 2005

Sierra Northern Railway (Sierra) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon an approximately 9.27-mile line of railroad extending from milepost 90.5 in the City of West Sacramento to a point south of Pumphouse Road, in Yolo County, CA. Notice of the exemption was served and published in the Federal Register on December 23, 2004 (69 FR 76972).

By decision served on January 24, 2005 (January 2005 decision), the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA), and the exemption was made subject to two environmental conditions.<sup>1</sup> One of the conditions imposed required that Sierra, prior to any salvage activities, consult with U.S. Fish and Wildlife Service, Sacramento Field Office (FWS) regarding any impacts to Federally listed threatened and endangered species that may occur in the vicinity of the line and report the results of the consultation to SEA.

By letter dated March 31, 2005 (March 2005 letter), FWS informed SEA of the results of consultations with Sierra regarding the project. FWS had previously stated that activities associated with the proposed abandonment could have an effect on the Federally threatened giant garter snake (*Thamnophis gigas*) (snake). In its March 2005 letter, FWS recommended a number of conditions to satisfy its concerns about the project’s potential effects to the snake pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). FWS is especially concerned about the potential effect of the proposed abandonment activities in the area surrounding Willows Point, where a canal underlying the rail line may support habitat for the snake. Sierra has informed SEA that Sierra has voluntarily agreed to comply with all of the FWS requested recommendations outlined in its March 2005 letter. Therefore, SEA recommends that the existing FWS condition be replaced with the condition, as agreed to by Sierra, that Sierra shall comply with the conservation measures recommended by the FWS regarding potential impacts to the Federally threatened snake as outlined in FWS’s March 2005 letter to SEA.<sup>2</sup>

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<sup>1</sup> In the January 2005 decision, the Board also issued a notice of interim trail use (NITU). The NITU negotiating period is due to expire on July 23, 2005.

<sup>2</sup> The other environmental condition imposed in the January 2005 decision remains in effect.

Accordingly, the proceeding will be reopened and the previously imposed FWS condition will be replaced with the one currently recommended by SEA.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the FWS condition imposed in the January 2005 decision is replaced with the condition that Sierra shall comply with the conservation measures recommended by FWS regarding potential impacts to the Federally threatened giant garter snake (*Thamnophis gigas*) as outlined in FWS's March 2005 letter to SEA.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary